

1998 Current Fiscal Year Report: Negotiated Rulemaking Committee on the Shared Risk Exception

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1. Department or Agency

Department of Health and Human Services

2. Fiscal Year

1998

3. Committee or Subcommittee

Negotiated Rulemaking Committee on the Shared Risk Exception

3b. GSA Committee No.

5183

4. Is this New During Fiscal Year?

No

5. Current Charter

05/19/1997

6. Expected Renewal Date

7. Expected Term Date

09/01/1998

8a. Was Terminated During Fiscal Year?

Yes

8b. Specific Termination Authority

42 USC 1320a-7b

8c. Actual Term Date

01/22/1998

9. Agency Recommendation for Next Fiscal Year

Terminate

10a. Legislation Req to Terminate?

No

10b. Legislation Pending?

11. Establishment Authority

12. Specific Establishment Authority

42 U.S.C. 1320a-7b

13. Effective Date

08/29/1996

14. Committee Type

Ad hoc

14c. Presidential?

No

15. Description of Committee

16a. Total Number of Reports

1

16b. Report Date

01/22/1998

Report Title

Consensus Agreement: HHS Negotiated Rulemaking Committee on the Shared Risk Exception

Number of Committee Reports Listed: 1

17a. Open 4 17b. Closed 0 17c. Partially Closed 0 Other Activities 0 17d. Total 4

Meetings and Dates

Purpose

Not Stated for this Report

Not Stated for this Report

Not Stated for this Report

Not Stated for this Report

Start

10/08/1997

11/19/1997

12/16/1997

01/21/1998

End

- 10/10/1997

- 11/21/1997

- 12/18/1997

- 01/22/1998

Number of Committee Meetings Listed: 4

Current FY Next FY

18a(1). Personnel Pmts to Non-Federal Members

\$0.00 \$0.00

18a(2). Personnel Pmts to Federal Members

\$7,000.00 \$0.00

18a(3). Personnel Pmts to Federal Staff	\$28,300.00	\$0.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$2,250.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$6,340.00	\$0.00
18d. Total	\$43,890.00	\$0.00
19. Federal Staff Support Years (FTE)	3.00	0.00

20a. How does the Committee accomplish its purpose?

The Committee's purpose is to negotiate the development of interim final rulemaking addressing the shared risk exception (section 216 of P.L.O. 104-191) to the Federal health case programs' anti-kickback provisions. Through issue papers, presentations and direct negotiations, the committee has continued to work towards establishing standards for exceptions to risk-sharing arrangements, including (1) the level of risk appropriate to the size and type of arrangement; (2) the frequency and distribution of incentives; and (3) the level of capital contribution.

20b. How does the Committee balance its membership?

the Committee is scheduled to meet monthly for a minimum of at least six months to reach consensus and complete work on developing the interim final rule within this time period.

20c. How frequent and relevant are the Committee Meetings?

Section 216 of P.L. 104-191 statutorily mandates a negotiated rulemaking process for establishing standards for this exception to the anti-kickback statute. The 23 committee members serve to adequately represent potentially affected parties and organizations, and the full spectrum of viewpoints.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

All committee meetings are open to the public.

20e. Why is it necessary to close and/or partially closed committee meetings?

N/A

21. Remarks

Designated Federal Officer

Joel. Schaer

Committee Members	Start	End	Occupation	Member Designation
Allen, Eddie	10/01/1997	09/30/1998	Health Industry Manufactures Association	Special Government Employee (SGE) Member
Ballard, Judy	10/01/1997	09/30/1998	Facilitator	Special Government Employee (SGE) Member
Bartham, Russel	10/01/1997	09/30/1998	Pharmaceutical Research & Manufact. of America	Special Government Employee (SGE) Member
Bice, Yvonne	10/01/1997	09/30/1998	National Association of Community Health Centers	Special Government Employee (SGE) Member
Brain, Donald	10/01/1997	09/30/1998	Independent Insurance Agents of America	Special Government Employee (SGE) Member
Burgess, Ken	10/01/1997	09/30/1998	American Health Care Association	Special Government Employee (SGE) Member
Gogal, Laura	10/01/1997	09/30/1998	Federation of American Health Systems	Special Government Employee (SGE) Member
Grealy, Mary	10/01/1997	09/30/1998	American Hospital Association	Special Government Employee (SGE) Member
Green, Kylanne	10/01/1997	09/30/1998	Health Insurance Association of America	Special Government Employee (SGE) Member
Hirshfeld, Edward	10/01/1997	09/30/1998	Americal Medical Association	Special Government Employee (SGE) Member
Kocot, S.	10/01/1997	09/30/1998	National Association of Chain Drug Stores	Special Government Employee (SGE) Member
Matheis, Cheryl	10/01/1997	09/30/1998	American Association of Retired Persons	Special Government Employee (SGE) Member
Miller, Brent	10/01/1997	09/30/1998	Americal Medical Group Association	Special Government Employee (SGE) Member
Morrisette, Karen	10/01/1997	09/30/1998	Deputy Chief, Department of Justice	Special Government Employee (SGE) Member
Nepple, Fred	10/01/1997	09/30/1998	National Association of Insurance Commissions	Special Government Employee (SGE) Member
Nestor, Susan	10/01/1997	09/30/1998	Blue Cross Blue Shield Association	Special Government Employee (SGE) Member
Pastridge, Lee	10/01/1997	09/30/1998	National Association of State Medicaid Directors	Special Government Employee (SGE) Member
Sabatino, Charles	10/01/1997	09/30/1998	Consumer Coalition of Quality Health Care	Special Government Employee (SGE) Member
Schaller, Candace	10/01/1997	09/30/1998	American Association of Health Plans	Special Government Employee (SGE) Member
Shaffer, Barbara	10/01/1997	09/30/1998	Coordinated Case Coalition	Special Government Employee (SGE) Member
Spahr, Stephen	10/01/1997	09/30/1998	National Association of Medicaid Fraud Control Units	Special Government Employee (SGE) Member
Waxman, J.	10/01/1997	09/30/1998	The IPA Association of America	Special Government Employee (SGE) Member
Weiden, Michael	10/01/1997	09/30/1998	National Rural Health Association	Special Government Employee (SGE) Member

Number of Committee Members Listed: 23

Narrative Description

What are the most significant program outcomes associated with this committee?

Checked if Applies

- | | |
|---|--------------------------|
| Improvements to health or safety | <input type="checkbox"/> |
| Trust in government | <input type="checkbox"/> |
| Major policy changes | <input type="checkbox"/> |
| Advance in scientific research | <input type="checkbox"/> |
| Effective grant making | <input type="checkbox"/> |
| Improved service delivery | <input type="checkbox"/> |
| Increased customer satisfaction | <input type="checkbox"/> |
| Implementation of laws or regulatory requirements | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Outcome Comments

What are the cost savings associated with this committee?

Checked if Applies

- | | |
|----------------------------|-------------------------------------|
| None | <input checked="" type="checkbox"/> |
| Unable to Determine | <input type="checkbox"/> |
| Under \$100,000 | <input type="checkbox"/> |
| \$100,000 - \$500,000 | <input type="checkbox"/> |
| \$500,001 - \$1,000,000 | <input type="checkbox"/> |
| \$1,000,001 - \$5,000,000 | <input type="checkbox"/> |
| \$5,000,001 - \$10,000,000 | <input type="checkbox"/> |
| Over \$10,000,000 | <input type="checkbox"/> |
| Cost Savings Other | <input type="checkbox"/> |

Cost Savings Comments

What is the approximate Number of recommendations produced by this committee for the life of the committee?

0

Number of Recommendations Comments

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

0%

% of Recommendations Fully Implemented Comments

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

0%

% of Recommendations Partially Implemented Comments

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☐ No ☐ Not Applicable ☒

Agency Feedback Comments

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

Reorganized Priorities	<input type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

Action Comments

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

How is access provided to the information for the Committee's documentation?

Checked if Applies

- | | |
|---------------------------|--------------------------|
| Contact DFO | <input type="checkbox"/> |
| Online Agency Web Site | <input type="checkbox"/> |
| Online Committee Web Site | <input type="checkbox"/> |
| Online GSA FACA Web Site | <input type="checkbox"/> |
| Publications | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Access Comments